

OCT 28 2003

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON
U.S. COURT OF APPEALS**

JUDITH A. JOHNSON,

Plaintiff - Appellant,

v.

JO ANNE B. BARNHART, Commissioner of
Social Security,

Defendant - Appellee.

No. 02-35767

D.C. No. CV-01-05310-FDB

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Franklin D. Burgess, District Judge, Presiding

Submitted October 9, 2003**
Seattle, Washington

Before: D.W. NELSON, KOZINSKI, and McKEOWN, Circuit Judges.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Johnson argues that the ALJ failed to provide sufficiently clear and convincing reasons for rejecting her subjective claims. We agree with the district court that, although the incentive for secondary gain is not a valid reason to reject subjective claims, the error was harmless in this case. Johnson failed to demonstrate that she suffered any impairments that met or equaled one of a list of specific impairments described in the regulations. See Tackett v. Apfel, 180 F.3d 1094, 1098-99 (9th Cir. 1999). The evidence suggests that Johnson could return to her former work as an administrative assistant. The ALJ's decision was supported by substantial evidence. See Thomas v. Barnhart, 278 F.3d 947, 954 (9th Cir. 2002).

AFFIRMED.